

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/863, 037 05/23/97 WEINSTEIN

B 01985-P0032A

EXAMINER

LM02/0810

ST ONGE STEWARD JOHNSTON & REENS  
986 BEDFORD STREET  
STAMFORD CT 06905-5619

DALENCOURT, Y

ART UNIT

PAPER NUMBER

10

2735

DATE MAILED:

08/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No. <b>08/863,037</b>	Applicant(s) <b>Bernard A. Weinstein</b>
Examiner <b>Yves Dalencourt</b>	Group Art Unit <b>2735</b>



Responsive to communication(s) filed on Apr 22, 1999.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

Claim(s) 1-4 and 11-17 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-4 and 11-17 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2735

## **DETAILED ACTION**

### *Response to Amendment*

This action is responsive to continuation prosecution application (CPA) filed on 04/22/1999.

The examiner has acknowledged the amended claims 1, 11, and 15.

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Response to Arguments*

Applicant's arguments with respect to claims 1 - 4, and 11 - 17 have been considered but are moot in view of the new ground(s) of rejection.

*Claim Rejections - 35 USC § 103*

Art Unit: 2735

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 2, 4, 11 - 12, and 14 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al ( US 5787402; hereinafter Potter) in view of Higgins ( US 5270922; hereinafter Higgins).

4. Regarding claims 1, 11, and 15, Potter et al teaches a method and system for performing automated financial transactions involving foreign currencies which comprises a user computer for specifying a market condition to be monitored and a corresponding client ID (10, figure 1); an electronic source of updated market data ( col. 14, lines 9 - 29); a host computer system including a database for receiving and storing a plurality of the market conditions specified for monitoring and the corresponding client IDs ( 100, figure 2; col 5, lines 50 - 59 & paragraph bridging between col. 4 and col. 5); confirmation data generated and transmitted by said host computer system upon receipt of the specified market condition and corresponding client ID by said database, said confirmation data indicating that the specified market condition has been received by said host computer and will be monitored, and a transmitter responsive to said signal for transmitting notification of the specified market condition (col. 3, lines 1 - 11 & lines 37 - 42). ✓

Art Unit: 2735

5. Plotter et al fails to specifically teach a monitoring program executable on said host computer system for comparing each of the specified market conditions stored on said host computer system and said source of updated market data to determine if a specified market condition is found in said source of updated market data, said monitoring program generating a signal if a specified market condition is found to exist, the signal indicative of the found specified market condition and the corresponding client ID stored on said host computer system.

6. However, Higgins teaches, in an art related field of market data notification, a system for distributing, processing and displaying financial information which comprises a monitoring program executable on said host computer system for comparing each of the specified market conditions stored on said host computer system and said source of updated market data to determine if a specified market condition is found in said source of updated market data, said monitoring program generating a signal if a specified market condition is found to exist the signal indicative of the found specified market condition and the corresponding client ID stored on said host computer system ( figure 4; col. 8, lines 38 - 63) for the purpose of providing apparatus and methodology to communicate and display information useful for securities brokers, investors, and others concerned with financial markets.

7. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an electronic source of updated market data; and a monitoring program executable on said host computer system for comparing each of the specified

Art Unit: 2735

market conditions stored on said host computer system and said source of updated market data to determine if a specified market condition is found in said source of updated market data, said monitoring program generating a signal if a specified market condition is found to exist the signal indicative of the found specified market condition and the corresponding client ID stored on said host computer system in Plotter et al's system as taught by Higgins for the purpose of providing apparatus and methodology to communicate and display information useful for securities brokers, investors, and others concerned with financial markets.

8. Regarding claims 2, 12, and 17, Potter et al and Higgins teach all the limitations, and Higgins further teaches a program executable on said user computer for providing share price momentum as market condition to be monitored ( col. 8, lines 38 - 43).

Regarding claim 14, Potter et al and Higgins teach all the limitations, and Kosaka further teaches a computer aided real-time decision support system and method wherein said user computer includes a communication server ( 44, figure 1; col. 4, lines 54 - 59).

9. Claims 3 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al and Higgins as applied to claim 11, above, and further in view of Vanden Heuvel et al ( US 5281962; hereinafter Vanden Heuvel).

Regarding claim 13, Potter et al and Higgins teach all the limitations but fail to specifically teach a system wherein said user computer specifies the market condition to be monitored in electronic mail format.

Art Unit: 2735

However, Vanden Huevel et al teaches, in an art related field of providing information to users, a reliable information service message delivery system wherein said user computer specifies the market condition to be monitored in electronic mail format ( col. 3, lines 24 - 38) for the purpose of reliably delivering information service messages to communication receiver in a communication system.

Thus, it would have been obvious to one of ordinary skill in the art to have used a system wherein said user computer specifies the market condition to be monitored in electronic mail format in Potter et al and Higgins's system as taught by Vanden Huevel for the purpose of reliably delivering information service messages to communication receiver in a communication system.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Charles Agee Atkins (US Patent Number 5,270,922) discloses a system for distributing, processing and displaying financial information.

Lupien et al (US Patent Number 5,101,353) discloses an automated system for providing liquidity to securities markets.

Robert M. Kramer (US Patent Number 5,038,284) discloses a method and apparatus relating to conducting trading transactions with portable trading stations.

Art Unit: 2735

Susan W. Wagner (US Patent Number 4,980,826) discloses a voiced actuated automated futures trading exchange.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on Monday through Thursday from 7:30AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704. The fax phone number for this Group is (703) 308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-8576.

Yves Dalencourt

  
August 03, 1999



BRIAN ZIMMERMAN  
PRIMARY EXAMINER